

**SUPPLEMENTAL  
STAFF REPORT**

Meeting Date: March 19, 2003

**TO:** LAFCO Commissioners

**FROM:** Everett Millais, Executive Officer

**SUBJECT:** Agenda Item 8 A – Consent to Waivers of Conflict of Interest – LAFCO  
Counsel/County Counsel

**RECOMMENDATION:**

1. Remove Agenda item 8 A, Resolution Consenting to Waiver of Conflict of Interest – LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC, from the consent agenda.
2. Consider Agenda item 8 A as the first Action Item (before Agenda item 11).
3. NOT adopt the Resolution Consenting to Waiver of Conflict of Interest and proceed based on one of the following options:
  - a. Take public testimony and action on LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC, without legal counsel, OR
  - b. Take public testimony and initiate discussion, but continue action on LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC until such time that outside legal counsel can be retained to advise the Commission, OR
  - c. Continue action on LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC, and direct staff to retain outside legal counsel to advise the Commission on this matter.

**COMMISSIONERS AND STAFF**

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<b>COUNTY:</b> Steve Bennett Kathy Long <i>Alternate:</i> Linda Parks	<b>CITY:</b> John Zaragoza, Vice Chair Evaristo Barajas <i>Alternate:</i> Don Waunch	<b>SPECIAL DISTRICT:</b> Jack Curtis Dick Richardson <i>Alternate:</i> Ted Grandsen	<b>PUBLIC:</b> Louis Cunningham, Chair <i>Alternate:</i> Kenneth M. Hess
<b>EXECUTIVE OFFICER:</b> Everett Millais	<b>PLANNER III:</b> Hollie Brunsky	<b>CLERK:</b> Debbie Schubert	<b>LEGAL COUNSEL:</b> Noel Klebaum

## **DISCUSSION:**

The Agenda materials previously distributed for Agenda item 8 A were based on the assumption that the Oxnard Airport Authority would agree to a waiver of conflict of interest for the County Counsel to also advise LAFCO relating to LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC. As explained in those materials, for a conflict of interest waiver to be effective all parties must agree. After the Agenda materials were distributed the Oxnard Airport Authority met on Thursday night, March 13, and voted to NOT consent to the waiver of conflict of interest. This action by the Airport Authority means that there can be no waiver of conflict of interest for the County Counsel to advise LAFCO relating to either LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC or LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC. The action not to waive any potential conflict of interest also means that the Commission must proceed with consideration of LAFCO 03-03 City of Oxnard Reorganization – Fifth & Patterson, LLC and LAFCO 03-04 Calleguas Municipal Water District Annexation – Fifth & Patterson, LLC based on one of the alternatives outlined in the recommendation.

If the Commission decides to involve outside legal counsel in this matter County Counsel and staff will first try to involve the Santa Barbara County Counsel who also advises the Santa Barbara LAFCO. The Ventura County Counsel and the Santa Barbara County Counsel have an informal agreement about reciprocal services for these types of potential conflicts of interest relating to LAFCO. If the Santa Barbara County Counsel is willing and available to serve as legal counsel for these matters, a continuance of one month would be appropriate. If the Santa Barbara County Counsel is not willing or available to serve as legal counsel for both LAFCO 03-03 and 03-04 and an independent outside counsel needs to be retained, it is possible that this cannot be accomplished by the April 16 meeting. LAFCO's fee schedule provides for all costs of any outside legal counsel to be charged to the applicants. For LAFCO 03-03 and 03-04 the applicants are the City of Oxnard and Calleguas Municipal Water District respectively.